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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,730	10/22/2003	Hironobu Hoshino	Q78065	3979
23373	7590	04/21/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			KOSTAK, VICTOR R	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,730

Applicant(s)

HOSHINO, HIRONOBU

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/22/03</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Note MPEP 606.01.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally **limited to a single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Or
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 9 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by

Shigihara et al.

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The television receiver and receiving method of Sugihara (noting particularly Figs. 1b, 10 and 11) includes a signal processing circuit (stage 13 or 14) for processing the received signal; a judgment device 9 for determining whether or not it is possible to process the signal by the processing unit (e.g. col. lines 12-27); and a control device 15 for stopping operation of stages 13 and 14 by way of stage 12, in response to stage 9, when it has been determined that signal reproduction is not possible, thereby meeting claims 1 and 15.

As for claim 3, control stage 9 is a microcomputer which typically includes storage capabilities, and which determines if the error rate recognized by stage 9 is serious enough to warrant a stoppage of A/V reproduction. The microcomputer reacts to the degree of error (noting again col. 10 lines 12-27).

As for claim 9, signal processing stage 13 decodes the digital signal applied thereto for re-conversion into an NTSC formatted video signal.

Regarding claim 13, the judgment involves determining if error correction can or cannot be performed (noting again col. 10 lines 13-27), the error correction involving bits since a digital stream is received (e.g. col. 1 lines 7-9).

As for claim 14, the error detection is carried out in a decoding step as the signal is passed from demodulator 8 to error detecting stage 9 where the signal is in demodulated form.

5. Claims 1, 2, 4, 5, 7, 9, 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Aihara.

Aihara (noting particularly Figs. 1, 4 and 7) also shuts off power to a receiver when it had been determined the reception is inadequate over a period of time (e.g. col. 5 lines 15-20).

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Included is a signal processing circuit 3 and another signal processing circuit 6 (as well as other processing stages). CPU 11 judges whether or not it is possible to process the received signal based on error detection done by stage 6 (col. 10 lines 42-46), and control device (power supply) 16 which stops operation of the processing circuit 3(as well as other stages) in response to the discrimination made by CPU 11, thereby meeting claims 1 and 15.

As for claim 2, the control device includes power supply 16 which cuts off power based on the error detection provided by stage 6, as noted above.

As for claim 4, the judgment criteria can change in that the tuning can be changed based on a priority of reception levels (e.g. Fig. 5).

As for claim 5, the signal processing stage 3 is a tuner with an associated antenna 2 (noting Fig. 1).

Regarding claim 7, stage 6 can also include error correction (col. 7 line 9), which involves the removal of code error.

As for claim 9, display controller 9 functions as a decoder wherein the encoded data source (in this case a television signal) is returned to its original form for display on display unit 10 (col. 7 lines 19-30). Judgment device 6 decides if the received signal would be able to be regenerated into displayable form (done by stage 9) by detecting the degree of error in the received signal.

Considering claim 10, the control device enables the user not to manually operate the receiver tuning/processing since stages 6, 5, 11 and 16 work together in an automatic fashion.

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6. Claims 1, 6, 11, 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Obuchi.

Obuchi deactivates either of two channels depending on reception conditions (e.g. col. 2 lines 42-58). Included in his system (noting Fig. 1) are processing stages 1-4 for processing the signal received at antenna 10; a judgment device 6 for determining if it is possible to process the signal by either of the two channels (formed by processing stages 1 and 3, and 2 and 4, respectively); and a control device (the same stage 6) for stopping operation of either of the two stages from operating, depending on a judgment made involving packet error, thereby meeting claims 1 and 15.

As for claim 6, the signal processing stage includes a demodulator that extracts data by demodulating the received signal (e.g. col. 2 lines 45-58).

As for claim 11, the judgment involves determining the signal strength (i.e. reception power: col. 2 lines 48-51).

Regarding claim 13, error rate can be used as the indicator, which error rate would be in bits as a digital signal (noting again col. 2 line 46).

7. Claims 1, 8, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Takashima et al.

The receiver of Takashima (noting Fig. 1 or 9) also involves deactivation of power in response to the quality of signals received (e.g. Abstract). His system includes processing stage 14 (which includes sub-stages, as shown) for processing the received signal; a judgment stage (subframe counter 28) that determines whether or not it is possible to process the received signal

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based on synchronization data (col. 4 lines 31-45); and CPU 27 disables various processing stages when the discrimination indicates that the signal is not acceptable (col. 4 lines 45-54), thereby meeting claims 1 and 15.

As for claim 8, the processing stage includes multiplex decoder (demultiplexer) 14 (col. 4 lines 27-29).

As for claim 12, the adequacy of sync data in the demodulating process is used in the judgment (associated stages 16, 22, 23 and 28).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2622

VRK